IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MAREIK INC d/b/a NICOLE MILLER PHILADELPHIA, Plaintiff,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Defendant.

CIVIL ACTION NO.: 2:20-CV-02744-NIOA

STATE FARM'S FIFTH NOTICE OF SUPPLEMENTAL **AUTHORITY IN SUPPORT OF MOTION TO DISMISS**

State Farm respectfully files this notice of supplemental authority, limited here to Pennsylvania

COVID-19 business interruption coverage cases, in further support of its motion to dismiss.

1 S.A.N.T., Inc. v. Berkshire Hathaway, Inc., 2021 WL 147139 (W.D. Pa. Jan. 15, 2021), appeal filed, 21-cv-1109 (3d Cir.) (granting motion to dismiss on lack of direct physical loss).

ATCM Optical Inc. v. Twin City Fire Ins. Co., 2021 WL 131282 (E.D. Pa. Jan. 14, 2021), appeal filed, 21-cv-1107 (3d Cir.) (granting motion to dismiss with prejudice on lack of direct physical loss and on policy's virus exclusion and rejecting plaintiff's regulatory estoppel argument).

Clear Hearing Solutions, LLC v. Cont'l Cas. Co., 2021 WL 131283 (E.D. Pa. Jan. 14, 2021) (granting summary judgment on lack of direct physical loss).

Frank Van's Auto Tag, LLC v. Selective Ins. Co. of the Southeast, 2021 WL 289547 (E.D. Pa. Jan. 28, 2021) (granting motion to dismiss on lack of direct physical loss and on policy's virus exclusion).

Indep. Rest. Grp. v. Certain Underwriters at Lloyd's London, 2021 WL 131339 (E.D. Pa. Jan. 14, 2021), appeal filed, 21-cv-1175 (3d Cir.) (granting motion to dismiss with prejudice on lack of direct physical loss).

Kahn v. Pennsylvania Nat. Mut. Cas. Ins. Co., 2021 WL 422607 (M.D. Pa. Feb. 8, 2021) (granting motion to dismiss on lack of direct physical loss).

Moody v. The Hartford Fin. Grp., 2021 WL 135897 (E.D. Pa. Jan. 14, 2021), appeal filed, 21-cv-1106 (3d Cir.) (granting motion to dismiss with prejudice on lack of direct physical loss and on policy's virus exclusion, and rejecting plaintiff's regulatory estoppel and reasonable expectation doctrine arguments).

TAQ Willow Grove, LLC v. Twin City Fire Ins., 2021 WL 131555 (E.D. Pa. Jan. 14, 2021) (granting motion to dismiss with prejudice on lack of direct physical loss and on policy's virus exclusion, and rejecting plaintiff's regulatory estoppel argument).

Ultimate Hearing Solutions II, LLC v. Twin City Fire Ins. Co., 2021 WL 131556 (E.D. Pa. Jan. 14, 2021) (granting summary judgment on lack of direct physical loss and on policy's virus exclusion).

Zagafen Bala, LLC v. Twin City Fire Ins. Co., 2021 WL 131657 (E.D. Pa. Jan. 14, 2021) (granting motion to dismiss with prejudice on lack of direct physical loss and on policy's virus exclusion, and rejecting plaintiff's regulatory estoppel argument).

Respectfully submitted,

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CIVIL ACTION NO.: 2:20-CV-02744- NIQA

CERTIFICATE OF SERVICE

I certify that on the 12th day of February, 2021, I caused a true copy of the foregoing to be filed with the Court's CM/ECF system, which automatically serves a copy on the below-listed counsel of record:

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BY: /s Nicholas A. Cummins